

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**

In re:

Administrative Order 05-6

**CHAPTER 13 PRE-CONFIRMATION
PAYMENTS**

To implement the requirements of 11 U.S.C. §1326(a)(1), as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, in a manner consistent with existing chapter 13 procedures in this district, it is -

ORDERED as follows:

1. Payments of personal property leases governed by 11 U.S.C. §1326(a)(1)(B) shall only be made directly by the debtor to the lessor if the debtor's plan so provides or if no plan provision addresses payment of the debtor's lease obligation. If the plan provides for payment of the lease obligation by the trustee, the debtor shall make the pre-confirmation lease payments to the chapter 13 trustee in accordance with the filed chapter 13 plan.
2. Pre-confirmation adequate protection payments governed by 11 U.S.C. §1326(a)(1)(C), shall only be made directly by the debtor to the secured creditor if the debtor's plan so provides or if no plan provision addresses payment of the secured claim. If the plan provides for payment of the secured claim by the trustee, the debtor shall make the pre-confirmation payments to the chapter 13 trustee in accordance with the filed chapter 13 plan.
3. Unless otherwise ordered, to facilitate the administration of chapter 13 cases, all pre-confirmation payments shall be held by the chapter 13 trustee pending confirmation, conversion or dismissal of the case.

4. If confirmation of the chapter 13 plan is denied and the case is either dismissed or converted to a case under any other chapter of Title 11, the chapter 13 trustee shall disburse all pre-confirmation adequate protection payments and lease payments to the secured creditors described in §1326(a)(1)(C) and lessors described in §1326(a)(1)(B) in accordance with the last filed plan, less any fees and costs the chapter 13 trustee is entitled to retain. If there are insufficient funds, payment shall be pro rata.

5. In many chapter 13 cases, the court orders that all pre-confirmation interim payments made to the chapter 13 trustee are vested and non-refundable if the plan is not confirmed and the case is converted or dismissed. If such a vesting order has been entered pre-confirmation, the pre-confirmation payments held by the trustee at the time of a dismissal or conversion shall be disbursed pro rata in accordance with the last filed plan to the lessors and secured creditors protected by §1326(a)(1)(B) and (C) and to the other creditors and parties protected by the vesting order, less any fees and costs the chapter 13 Trustee is entitled to retain.

6. This order is effective as to all chapter 13 cases filed on or after October 17, 2005.

ORDERED in the Southern District of Florida on October 6, 2005.

/s
ROBERT A. MARK
Chief United States Bankruptcy Judge

c: All SD Bankruptcy Judges
Karen Eddy, Clerk of Court
Office of the U.S. trustee
Robin R. Weiner, Standing Chapter 13 Trustee
Nancy N. Herkert, Standing Chapter 13 Trustee